



6-22-05

PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

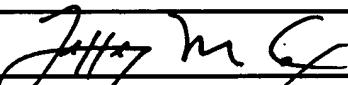
Total Number of Pages in This Submission	Attorney Docket Number	006401.00400
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## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08 a 1 Foreign Reference Post Card Certificate of Express Mail
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**Remarks** Commissioner is hereby authorized to charge any additional fees or credit any overpayments to deposit account 19-0733.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Jeffrey M. Cox		
Date	21 June 2005	Reg. No.	50,695

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name			
	Date		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JUN 21 2005

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL  
for FY 2005**

Complete If Known	
Application Number	10/611,485
Filing Date	July 1, 2003
First Named Inventor	Kevin H. Schilling
Examiner Name	Stephen Luther Blau
TOTAL AMOUNT OF PAYMENT	(\$) 180.00
Art Unit	3673
Attorney Docket No.	006401.00400

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify) : \_\_\_\_\_

Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
 Under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEES CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP=	x	=	_____

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP=	x	=	_____

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	_____

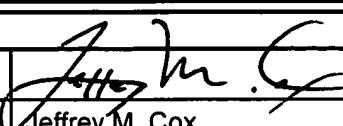
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Prescribed Fee for Information Disclosure Statement

180.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	50,695	Telephone	312.463.5000
Name (Print/Type)	Jeffrey M. Cox	Date 21 June 2005			

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No. 006401.00400)

In re U.S. Patent Application of )  
Schilling et al. )  
 )  
Application No.: 10/611,485 )  
 ) Group Art Unit: 3673  
Filed: July 1, 2003 )  
 ) Examiner: Stephen Luther Blau  
For: Dust Suppressant and Soil )  
Stabilization Composition )  
 )  
 )

**INFORMATION DISCLOSURE STATEMENT**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR §§1.56, 1.97 and 1.98, enclosed is Form PTO/SB/08A (substitute for form PTO-1449/A/PTO), submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references cited in the enclosed form in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08A, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08A is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

06/23/2005 WABDEIR1 00000050 190733 10611485  
01 FC:1806 180.00 DA

The Information Disclosure Statement is being filed:

- **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR §1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR §1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR §1.114.
- X** **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR §1.113, a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
  - The statement under 37 CFR §1.97(e) (see “statement under 37 CFR §1.97(e)” below).
  - or*
    - X** the fee of \$180 set forth in 37 CFR §1.17(p) (see “Fees” below).
- **after** the mailing date of a final action under 37 CFR §1.113 or a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR §1.97(e) (see “Statement under 37 CFR §1.97(e)” below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see “Fees” below).
- **after** the mailing date of a Notice of Allowance under 37 CFR §1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR §1.704(d) (see “Statement under 37 CFR §1.704(d)” below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see “Fees” below).

#### **Copies of the References**

- X** Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR §1.98(a)(3).
- A copy of the foreign search report is enclosed herewith.
- The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the

references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR §1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC §120 in which copies of the references were previously furnished are set out below:

**Statement under 37 CFR §1.97(e)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR §1.704(d)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- **No fee** is owed by the applicant(s).
- The **IDS Fee of \$180** under 37 CFR §1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- Attached is a check in the amount\$
- Charge Deposit Account No. 19-0733 in the amount of \$180.00

**Authorization to Charge Additional Fees**

- If any additional fees are owed in connection with this communication, please charge Deposit Account No. 19-0733. ( A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

X Credit Account No. 19-0733.  
       Refund

Date: 21 June 2005

Respectfully submitted,

By: 

Jeffrey M. Cox  
Registration No. 50,695  
Banner & Witcoff, Ltd  
10 S. Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001



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Institute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete If Known</b>	
Sheet	1	of	1	Application Number	10/611,485
				Filing Date	July 1, 2003
				First Named Inventor	Kevin H. Schilling
				Art Unit	3673
				Examiner Name	Stephen Luther Blau
				Attorney Docket Number	006401.00400

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
1	US- 6132638	10/17/2000	Oldenhove		
2	US- 5860770	01/19/1999	Hunt		
3	US- 5194174	03/16/1993	Roe et al.		
4	US- 3174942	03/23/1965	Erikson et al.		
5	US- 4592931	06/03/1986	Cagle		
6	US- 4001033	01/04/1977	Anthone et al.		
7	US- 4276077	06/30/1981	Zaslavsky et al.		
8	US- 4387205	06/07/1983	Zaslavsky et al.		
9	US- 865578	09/10/1907	Ellis		
10	US- 1075856	10/14/1913	Robeson		
11	US- 2375019	05/01/1945	Miller		
12	US- 3053019	09/11/1962	Mozdy		
13	US- 6065903	05/23/2000	Doyle		
14	US- 4437896	03/20/1984	Partanen		
15	US- 4822425	04/18/1989	Burch		
16	US- 5412007	05/02/1995	Hendrix et al.		
17	US- 2801955	08/06/1957	Rutenberg et al.		
18	US- 2868778	01/13/1959	Watson et al.		
19	US- 3716526	02/13/1973	Schweiger		
20	US- 4038481	07/26/1977	Antrim et al.		
21	US- 5023103	06/11/1991	Ramaswamy		
22	US- 6063178	05/16/2000	McPherson et al.		
23	US- 4885387	12/05/1989	Krochta		
24	US- 3622463	11/23/1971	Iizuka		

FOREIGN PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)			
25		WO 98/40413	09/17/1998		

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



**CERTIFICATE OF MAILING  
(PATENT)**

Express Mail No.: EV 407314248 US

Deposited: June 21, 2005

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop AMENDMENT, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Rafael Perez

Application of: Schilling, et al.

Serial No.: 10/611,485

Filing Date: July 1, 2003

Title: Dust Suppressant and Soil Stabilization Composition

Transmitted herewith are the following documents:

- Transmittal
- Fee Transmittal Form (1 page) in duplicate
- Information Disclosure Statement
- Form PTO/SB/08 A
- 1 Foreign Reference
- Return Receipt Postcard

Attorney Case No.: 006401.00400